

BUREAU OF MOTOR VEHICLES

Chapter 172: RULES GOVERNING THE ISSUANCE OF VANITY REGISTRATION PLATES

Summary: This rule implements 29-A M.R.S.A. §453, subsection 3-A, which authorizes the Secretary of State to refuse to issue or recall vanity registration plates that meet certain criteria, and 3-B, which authorizes the right to appeal the Secretary of State's decision. This rule is created by the authority expressly stated in 29-A M.R.S.A. §453, subsection 3-C.

- 1. Purpose.** This rule implements 29-A M.R.S.A. §453, subsections 3-A and 3-B, which authorize the Secretary of State to refuse to issue and to recall certain non-compliant vanity registration plates and describes the process for review of the Secretary of State's decision to refuse to issue or recall a vanity registration plate.
- 2. Definitions.** Unless otherwise defined, terms have the same meaning as in 29-A M.R.S.A. For the purpose of this rule the following definitions apply:
 - A. "Profane" means grossly offensive language that is considered a public nuisance.
 - B. "Obscene" means language that (i) conveys a message that appeals to the prurient interest, (ii) depicts sexual conduct in a patently offensive way, and (iii), taken as a whole, lacks serious literary, artistic, political or scientific value.
- 3. Prohibited vanity registration plates.** The Secretary of State, Bureau of Motor Vehicles, Division of Vehicle Services ("Bureau") will process applications for new vanity registration plates and review existing vanity registration plates for compliance with this rule. The Bureau may initiate review of an existing vanity registration plate on its own or in response to a complaint from a member of the public. The Secretary of State shall refuse to issue or shall recall all vanity registration plates that meet the following standards using the criteria in section 6 of this rule:
 - A. If the language or configuration requested falsely suggests an association with a public institution - or a government or a government agency;
 - B. If the language or configuration requested duplicates another plate;
 - C. If the language or configuration requested encourages violence or may result in an act of violence or other unlawful activity because of the content of the language or configuration of letters and numbers;
 - D. If the language or configuration requested is profane or obscene;
 - E. If the language or configuration requested makes a derogatory reference to age, race, ethnicity, sex, sexual orientation, gender identity, ancestry or national origin, religion or physical or mental disability;
 - F. If the language or configuration requested connotes genitalia or relates to sexual acts; or

- G. If the language or configuration requested includes forms of slang terms, abbreviations, phonetic spellings, or mirror images of a word or term otherwise prohibited by this section, even if expressed in a language other than English.
4. **Centralized processing.** To ensure the consistent approval and denial of applications for vanity registration plates and recall of vanity registration plates, the Bureau will carry out a centralized vanity registration plate approval process.
 - A. All applications for vanity registration plates will be reviewed by professional staff at the Bureau.
 - B. The Vanity Plate Review Committee will be comprised of two staff members from the Bureau and the Director of Vehicle Services, or the Director's designee.
 - C. Any applications Bureau staff identify as potentially in conflict with section 3 of this rule will be referred to the Vanity Plate Review Committee.
 - D. Any complaints from members of the public about a registration plate will be referred to the Vanity Plate Review Committee for review.
 - E. The Vanity Plate Review Committee will base its decision on the criteria set forth in sections 3 and 6 of this rule.
 - F. If the Vanity Plate Review Committee cannot reach a unanimous decision, it will refer the plate to the Deputy Secretary of State for the Bureau ("Deputy"), or the Deputy's designee.
 5. **Preliminary screening.** Before the Vanity Plate Review Committee decides whether to approve or deny an application for a vanity registration plate, professional staff at the Bureau will screen the application and will deny it if the language or configuration requested duplicates another plate or does not contain the number of characters permitted for that class of plate.
 6. **Initial review.** To determine whether a vanity registration plate is prohibited by section 3 of this rule, the Vanity Plate Review Committee will use the following criteria:
 - A. The vanity registration plate will be evaluated from the perspective of an ordinary observer of the plate. The applicant's or registrant's stated intent or intended meaning will not control the determination.
 - B. The Vanity Plate Review Committee may consider commonly used reference guides including but not limited to: American Association of Motor Vehicles Administration License Plate Standard, Urban Dictionary, Merriam-Webster's Dictionary, foreign language dictionaries, and the Consumer Guide published by the Federal Communications Commission. Updated editions of these sources may be used as they are published.
 - C. In evaluating a vanity registration plate, the Vanity Plate Review Committee and/or the Deputy will consider foreign language meanings.
 7. **Complaints by the public.** A member of the public who contends that a vanity registration plate is prohibited by section 3 of this rule must submit a written complaint to the Bureau by email or in writing. The Vanity Plate Review Committee will review all complaints from the public to determine whether to recall the plate under the authority granted by 29-A M.R.S.A. §453, subsection 3-A and this rule.

- 8. Denial.** The Secretary of State will deny an application for a vanity registration plate that is prohibited by section 3 of this rule. In accordance with section 10 of this rule, the Secretary of State will provide notice, in writing, to the applicant of the denial and the reasons for the denial. If when applying for a vanity registration plate, the applicant provided alternative language or configuration that is not prohibited by section 3 of these rules, the Bureau will issue a conforming vanity registration plate. Otherwise, the Bureau will issue the vehicle registrant a new registration and standard number plate and not charge the applicant the fee for a vanity registration plate.
- 9. Recall of non-compliant vanity registration plates.** The Secretary of State will recall all vanity registration plates previously issued, that are prohibited by section 3 of this rule. In accordance with section 10 of this rule, the Secretary of State will provide notice, in writing, to the registrant of the recall and the reasons for the recall.
- A. If the registrant does not request a hearing or apply for a compliant vanity registration plate within 14 days from the date of the letter sent by the Secretary of State recalling the vanity registration plate, the Bureau will issue the registrant a new registration and standard number registration plate and no additional fees will be charged. The Secretary of State will refund the vanity registration plate fee that was paid for any unused full months on a prorated basis.
 - B. The effective date of the new registration shall be 21 days from the date the Secretary of State issues the new registration and registration plates. The Secretary of State will deactivate non-compliant vanity registration plates on the effective date of the new vanity registration plates.
 - C. If the registrant requests a hearing of the Secretary of State's decision to recall the registrant's vanity registration plate, the Secretary of State will deactivate non-compliant vanity registration plates 30 days after the Secretary of State's final agency action, unless the registrant files an appeal of that final agency action in Superior Court.
 - D. A registrant who displays inactive vanity registration plates on their vehicle is subject to penalties under 29-A M.R.S.A., Chapter 5.
- 10. Notice to registrants and applicants.** The Secretary of State will provide notice in writing to a person whose application for vanity registration plates was denied or whose vanity registration plate was recalled under this rule. The notice will state the reasons for the denial or recall and inform the person that they have the right to appeal the Secretary of State's decision. The person must file an appeal of the Secretary of State's decision within 14 days of the date on the written notice. Only a person whose application for a vanity registration plate has been denied or whose vanity registration plate has been recalled may appeal the Secretary of State's decision. A late request for hearing will only be considered for good cause.
- 11. Hearing.** Hearings under this section will follow the notice and hearing procedures outlined in 5 M.R.S.A. §9051-64 and the Rules for Hearings of the Secretary of State. The person appealing the Secretary of State's decision will have the opportunity to show cause why the decision of the Secretary of State should not be upheld. The sole issue at the hearing will be whether the vanity registration plate is prohibited pursuant to section 3

of this rule. The decision of the Hearings Examiner constitutes the final agency action by the Secretary of State.

STATUTORY AUTHORITY: 29-A M.R.S.A. §453, subsection 3-A and 3-B

EFFECTIVE DATE:
XXXXXX 00, 2022